

44 (Rev. 12/12)

MSG**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Patrick Chimenti

DEFENDANTS

GB Collects, LLC

14 3180(b) County of Residence of First Listed Plaintiff Philadelphia
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant Philadelphia
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Matthew B. Weisberg, Esquire
7 South Morton Avenue, Morton, PA 19070
(610) 690-0801 mweisberg@weisberglawoffices.com

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. §§ 1331 and 1332; 28 U.S.C. § 1367

Brief description of cause:
FDCPA

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$Will supply

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

JUN 04 2014DATE
6/2/14

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

MAS

MSG

UNITED STATES DISTRICT COURT

14-cv-3180

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 4314 McMenamy Street, Philadelphia, PA 19136Address of Defendant: 145 Bradford Drive, West Berlin, NJ 08091Place of Accident, Incident or Transaction: 4314 McMenamy Street, Philadelphia, PA 19136
(Use Reverse Side For Additional Space)Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

unknown

Yes ☐ No ☐

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☒ All other Diversity Cases
FDLPA (Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, _____, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: _____ Attorney-at-Law

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 6/2/14

Attorney-at-Law

85570

Attorney I.D.#

CIV. 609 (6/08)

\$400.00

MSGUNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

1

FILED

JUN 04 2014

MICHAEL E. KUNZ, Clerk
By TC Dep. ClerkPatrick Chimenti
4314 McMenamy St.
Philadelphia, PA 19136

Plaintiff,

v.

GB Collects, LLC
145 Bradford Dr.
West Berlin, NJ 08091

And

John Does 1-10

Defendants.

Civil Action No.:

14 3180

JURY TRIAL DEMANDED**CIVIL ACTION COMPLAINT****I. Jurisdiction and Venue**

1. Jurisdiction in this Honorable Court is based on a violation of federal law conferred by 28 U.S.C. §1331 and diversity conferred by §1332; supplemental jurisdiction over state law claims is granted by 28 USC §1367.
2. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391(b) in that the events giving rise to Plaintiff's claims occurred in this District.

II. Parties

3. Plaintiff, Patrick Chimenti, is an adult individual residing at the above-captioned address.
4. Defendant, GB Collects, LLC ("GB Collects"), is a limited liability company by virtue of the laws of the State of New Jersey, maintaining an office at the above captioned address.
5. Defendants, John Does 1-10, is a moniker/fictitious name for individuals and entities currently unknown but will be substituted when known, as affiliated, associated or liable

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hereunder for the reasons set forth below or inferred therefrom. Each of these parties are incorporated as Defendants in each and every count and averment listed above and below. Upon information and belief, Defendants, John Does, were agents, servants, workmen, or employees of Co-Defendant, liable to Plaintiff hereunder.

III. Operative Facts

6. Defendants collect debts using the mail. Defendants, and each of them, regularly and in the ordinary course of business attempt to collect consumer debts alleged to be due.
7. On or about November 5, 2013, Defendant, GB Collects, LLC, mailed a letter to Plaintiff demanding immediate payment in the amount of about \$176.40. (Exh. A).
8. The letter was mailed in a “see-through” envelope with the word “collection” clearly visible on the outside of the envelope. (Exh. B).
9. On or about December 10, 2013, Plaintiff mailed a letter to GB Collects disputing the alleged amount owed. (Exh. C).
10. On or about January 28, 2014, GB Collects mailed a second letter to Plaintiff demanding immediate payment. (Exh. D). This letter again contained a “see-through” envelope with the word “collection” clearly visible on the outside of the envelope. (Exh. B).
11. Defendants’ maliciously, fraudulently, intentionally, and/or knowingly used “see-through” envelopes with the word “collection” clearly visible and/or failed to verify and/or collected upon non-collectible debt, which is Defendants’ pattern and practice.
12. Upon information and belief, Defendants use unlawful collection tactics – such as instantly causing Plaintiff embarrassment.

COUNT I

Fair Debt Collection Practices Act ("FDCPA")

13. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.

14. Defendants are "debt collectors" as defined by 15 U.S.C.A. § 1692d(6), attempting to collect a debt as defined by 15 U.S.C.A. § 1692a(5).

15. Defendants' conduct violated the FDCPA by contacting Plaintiff using a "see-through" envelope with the word "collection" clearly visible, failing to verify the debt, and collecting on an uncollectible debt.

COUNT II

Fair Credit Extension Uniformity Act ("FCEUA")

16. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.

17. Defendants are "debt collectors" as defined by 73 P.S. § 2270.3, attempting to collect a debt as defined by 73 P.S. § 2270.3.

18. Defendants' conduct violated the FCEUA by violating any provision of the FDCPA. 73 P.S. § 2270.4(a).

COUNT III

Unfair Trade Practices and Consumer Protection Law ("UTPCPL")

19. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.

20. The UTPCPL proscribes, *inter alia*, engaging in any "unfair or deceptive acts and practices" either at, prior to, or subsequent to a consumer transaction.

21. The actions of Defendants constitute unfair or deceptive acts and practices under UTPCPL, additionally including, but not limited to the following, *inter alia*:

- a. Defendants engaged in fraudulent or deceptive conduct which created a likelihood of confusion or of misunderstanding, 73 P.S. § 201-2(xxi); and
- b. Defendants failed to comply with the FDCPA and FCEUA, which are violations of the UTPCPL.

V. Prayer for Relief

WHEREFORE, Plaintiff respectfully requests judgment in his favor and against Defendants, individually, jointly and severally, for the following

- a. Actual and compensatory damages;
- b. Statutory damages;
- c. Treble damages;
- d. Costs of litigation and reasonable attorney's fees;
- e. Punitive damages; and
- f. Such other and further relief as the Court deems proper

WEISBERG LAW

/s/ Matthew B. Weisberg
Matthew B. Weisberg, Esquire
David A. Berlin, Esquire
Attorneys for Plaintiff

EXHIBIT A

145 BRADFORD DRIVE
W. BERLIN, NJ 08091

RETURN SERVICE REQUESTED



888-688-5700 * 856-768-9995
Fax: 856-768-4355

November 5, 2013

91



PATRICK D COLLECTION CHIMENTI
CHIMNTI, PATRICK D
4314 MCMENAMY ST
PHILA PA 19136-3216

RE:	Dr. Karen Wasko
Acct#:	Patrick D Collection Chim
Our File#:	425750
Date of Invoice:	10/21/2013
Balance Due:	\$176.40

Dear Chimnti, Patrick D

We represent **Dr. Karen Wasko** in the above captioned matter. **Dr. Karen Wasko** has turned this account over to us for collection due to your failure to reply to their request for payment.

I have enclosed a return envelope for your convenience. Please make your check payable to **Dr. Karen Wasko** in the amount of **\$176.40** and send it to me immediately.

For ease and convenience, make your payment today at www.gbcollects.com and click on the "Make a Payment" button.

Sincerely,
GB Collects LLC
Recovery Agent

***Unless this account or any portion of thereof is disputed within 30 days from the receipt of this notice, we will assume this debt to be valid. If you dispute this debt or any portion thereof within this 30 days time period we will furnish you at your written request, a verification of this debt, or the name of the original creditor.**

This is an attempt to collect a debt. Any information provided will be used for this purpose.

DETACH LOWER PORTION AND RETURN WITH YOUR PAYMENT

PATRICK D COLLECTION CHIMENTI
CHIMNTI, PATRICK D
4314 MCMENAMY ST
PHILA PA 19136-3216

RE:	Dr. Karen Wasko
Acct#:	Patrick D Collection Chim
Our File#:	425750
Date of Invoice:	10/21/2013
Balance Due:	\$176.40
Due date is 7 days after November 5, 2013	

Please make your check payable to:
Dr. Karen Wasko



GB COLLECTS, LLC
145 BRADFORD DR
WEST BERLIN NJ 08091-9269

EXHIBIT B

145 BRADFORD DRIVE
W. BERLIN, NJ 08091

RETURN SERVICE REQUESTED



PATRICK D COLLECTION CHIMENTI
CHIMENTI, PATRICK D
4314 MCMENAMY ST
PHILA PA 19136-3216

LC1-SMB 19136



145 BRADFORD DRIVE
W. BERLIN, NJ 08091

RETURN SERVICE REQUESTED



PATRICK D COLLECTION CHIMENTI
CHIMENTI, PATRICK D
4314 MCMENAMY ST
PHILA PA 19136-3216

LC1-SMB 19136



PRESORTED
FIRST CLASS



POSTAGE
\$00.40
JAN 29 2014
ZIP 30041
000639
21 3002590

PRESORTED
FIRST CLASS



POSTAGE
\$00.40
NOV 06 2013
ZIP 30041
000639
21 3002590

From:

02/05/2014 15:00

#309 P.002/006

EXHIBIT C

December 10, 2013

Patrick Chimenti
4314 McMenamy Street
Philadelphia, PA 19136
215-459-9690

GB Collects
145 Bradford Dr.
West Berlin, NJ 08091

To Whom It May Concern:

In response to your letter received November 12th of 2013, I dispute the validity of this alleged debt and amounts owed. Validation is requested. Communication is requested in writing only as phone calls are not permitted.

Thank you,
Patrick Chimenti

02/05/2014 15:00

#309 P.005/006

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box•

Patrick Chimenti
4314 McMenamy St.
Philadelphia, PA 19136

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

GB
145 Dradford Dr.
West Berlin, NJ 080912. Article Number
(Transfer from s)

7011 0470 0003 2565 4971

PS Form 3811, July 2013

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☐ Agent ☐ Addressee
Sandra Stoltz
- B. Received by (Printed Name) ☐ Date of Delivery
12/11/13
- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
- | | |
|---|--|
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Priority Mail Express™ |
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Insured Mail | <input type="checkbox"/> Collect on Delivery |

4. Restricted Delivery? (Extra Fee) ☐ Yes

Domestic Return Receipt

EXHIBIT D

From:

02/05/2014 15:01

#309 P.006/006

145 BRADFORD DRIVE
W: BERLIN, NJ 08091

RETURN SERVICE REQUESTED



888-688-5700 * 856-768-9995
Fax: 856-768-4355

January 28, 2014

795



PATRICK D COLLECTION CHIMENTI
CHIMNTI, PATRICK D
4314 MCMENAMY ST
PHILA PA 19136-3216

RE:	Dr. Karen Wasko
Acct#:	Patrick D Collection Chim
Our File#:	425750
Date of Invoice:	10/21/2013
Balance Due:	\$176.40

Dear Chimnti, Patrick D

After repeated requests, we have not heard from you regarding the above delinquent balance of **\$176.40** owed to our client, **Dr. Karen Wasko**.

Due to your lack of payment, we are forced to proceed with further collection activity. In order to resolve this seriously delinquent issue, you must remit payment in full of **\$176.40** immediately. Please make your check payable to **Dr. Karen Wasko** and send it to me at the above address today.

For ease and convenience, make your payment today at www.gbcollects.com and click on the "Make a Payment" button.

Sincerely,
Gilbert Fisher
Chief Operating Officer
Extension: 111

*This is an attempt to collect a debt. Any information obtained will be used for that purpose.

DETACH LOWER PORTION AND RETURN WITH YOUR PAYMENT

PATRICK D COLLECTION CHIMENTI
CHIMNTI, PATRICK D
4314 MCMENAMY ST
PHILA PA 19136-3216

RE:	Dr. Karen Wasko
Acct#:	Patrick D Collection Chim
Our File#:	425750
Date of Invoice:	10/21/2013
Balance Due:	\$176.40
Due date is 7 days after January 28, 2014	

Please make your check payable to:
Dr. Karen Wasko



GB COLLECTS, LLC
145 BRADFORD DR
WEST BERLIN NJ 08091-9269